

TWENTIETH DAY.

Senate Chamber,
Austin, Texas,
February 10, 1933.

The Senate met at 10 o'clock a. m., pursuant to adjournment, and was called to order by Lieutenant Governor Edgar Witt.

The roll was called, a quorum being present, the following Senators answering to their names:

Beck.	Parr.
Collie.	Patton.
Cousins.	Poage.
Duggan.	Purl.
Fellbaum.	Rawlings.
Greer.	Redditt.
Holbrook.	Regan.
Hopkins.	Russek.
Hornsby.	Sanderford.
Martin.	Small.
Moore.	Stone.
Murphy.	Woodruff.
Neal.	Woodul.
Oneal.	Woodward.
Pace.	

Absent—Excused.

Blackert. DeBerry.

Prayer by the Chaplain.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator Woodward.

Committee Reports.

(See Appendix.)

Bills and Resolutions.

By Senator Poage:

S. B. No. 197, A bill to be entitled "An Act repealing Articles 2616, 2617, 2618, and 2619 of Chapter 3, Title 49, Articles 2620, 2621, 2622, and 2623 of Chapter 4, of said Title 49, Articles 2633, 2634, 2635, 2636, and 2637 of Chapter 7 of said Title 49, and Articles 2651, 2652, 2653, 2654, and 2654a of Chapter 9, of said Title 49, of the Revised Civil Statutes of 1925; and Article 2628a, together with all its subdivisions, and Article 2628c of the Revised Civil Statutes as amended, and that Chapter 197, the Acts of the Regular Session of the Thirty-fifth Legislature, Chapter 32 of the Acts of the Third Called Session of the Thirty-fifth Legislature, and Chapter 191 of the Acts of the Regular Session of the Thirty-fifth Legislature; and abolishing

John Tarleton Agricultural College at Stephenville, the North Texas Junior Agricultural, Mechanical and Industrial College at Arlington, the School of Mines and Metallurgy at El Paso, the North Texas State Teachers College at Denton, the Southwest Texas State Teachers College at San Marcos, the Texas College of Arts and Industries in the City of Kingsville, Kleburg County, the Sul Ross State Teachers College at Alpine, and the Stephen F. Austin State Teachers College at Nacogdoches; and disposing of the property now held by said colleges, and declaring an emergency."

Read and referred to Committee on Finance.

By Senator Rawlings:

S. B. No. 198, A bill to be entitled "An Act to amend Article 3832 of the Revised Civil Statutes of 1928, by adding thereto another item to be numbered '17,' and declaring an emergency."

Read and referred to Committee on Civil Jurisprudence.

By Senator Small:

S. B. No. 199, A bill to be entitled "An Act to amend Articles 1499, 1500, 1501, 1502 and 1504 of the Revised Civil Statutes of Texas of 1925, relating to the powers of a corporation engaged in the oil and gas producing business by providing that a separate corporation shall be formed to conduct the gas pipe line business in a similar manner as required for the oil pipe line business; providing that separate incorporation shall be effected not later than June 1, 1933, for issuance of permits to foreign corporations authorizing conduct of oil and gas producing business as well as gas pipe line business; providing that if any portion of this Act be unconstitutional the remainder shall be valid; providing for the repeal of all laws or parts of laws in conflict herewith; and declaring an emergency."

Read and referred to Committee on State Affairs.

By Senator Small:

S. B. No. 200, A bill to be entitled "An Act defining 'machine gun,' 'crimes of violence,' and 'person'; making it an offense to possess or use machine guns in the perpetration or attempted perpetration of crimes of violence; making it an offense to possess a machine gun

for offensive or aggressive purposes; prescribing that proof of possession shall be prima facie evidence that a machine gun was possessed or used for offensive or aggressive purposes; prescribing that presence of a machine gun in a room, boat, or vehicle shall be prima facie evidence of the possession of each person in such room, boat, or vehicle; providing exceptions where machine guns are manufactured for military forces or peace officers, or possessed for scientific purposes or as relics or keepsakes, or where the machine gun is of a certain caliber; providing for registration showing the handling of machine guns; providing for the registration of machine guns by citizens with the Secretary of State and prescribing a penalty for failure to so register such machine guns; providing for search warrants to seize and confiscate machine guns; providing that if any clause of the Act is declared invalid, it shall not affect the other provisions; naming the Act; repealing laws in conflict, and declaring an emergency."

Read and referred to Committee on Criminal Jurisprudence.

By Senator Collie:

S. B. No. 201, A bill to be entitled "An Act to authorize Panhandle & Santa Fe Railway Company to purchase, own and operate the railroad of Clinton-Oklahoma-Western Railroad Company of Texas, with its franchises and appurtenances now and hereafter owned; and the railroad of Kansas City, Mexico & Orient Railway Company of Texas, with its franchises and appurtenances now and hereafter owned; and the railroad of North Plains & Santa Fe Railway Company, with its franchises and appurtenances now and hereafter owned; and until such purchase or purchases is or are made, to authorize lease by the Panhandle & Santa Fe Railway Company of the railroads and other properties of said other companies, or any of them, and declaring an emergency."

Read and referred to Committee on State Affairs.

By Senators Stone, Small, and Duggan:

S. B. No. 202, A bill to be entitled "An Act to apportion the State of Texas into congressional districts, naming the counties composing the same and providing for the election of a member of the Congress of

the United States from each district, and repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

Read and referred to Committee on Congressional Districts.

By Senators Woodul and Small:

S. B. No. 203, A bill to be entitled "An Act to amend Chapter 40, Acts of Second Called Session of Forty-second Legislature and Chapter 271, Acts of Regular Session of Forty-second Legislature as amended by said Chapter 40, Acts of Second Called Session of Forty-second Legislature, by adding to Section 8a subsections 6a and 6b to be inserted between subsections 6 and 7, and to declare that as to any and each lease and/or contract hereafter made by the Board of Mineral Development it is the policy of the State, with reference to the development of all portions of beds of rivers and channels described in such lease and/or contract that the activities of the State and of lessees and/or contract parties, their successors or assigns, under such lease and/or contract, shall conform to the valid laws of this State, and to the valid orders, rules and regulations of any agency of this State, applicable to the development by others than this State of petroleum and/or natural gas bearing land within the State, and that each lease and/or contract hereafter made by the Board of Mineral Development shall be subject to such public policy, and also providing that as to any and each lease and/or contract heretofore made by the Board of Mineral Development the Board shall be authorized and empowered to revise the same with the consent of the lessees and/or contracting parties thereunder, their heirs, successors or assigns, in such wise as to subject such lease and/or contract thenceforth to the aforesaid public policy, and providing that such revision shall be accomplished by supplemental or modificatory instrument on such terms as the Board of Mineral Development may deem fair and advantageous to the State, but only after a proposal for such revision shall be formally made in a public document to the said Board of Mineral Development by the lessees and/or contracting parties under such lease and/or contract, their heirs, successors or assigns, and provided that in consideration of the consent of such lessees and/or con-

tracting parties, their heirs, successors or assigns, to such revision the Board of Mineral Development shall not reduce the State's share of the petroleum and/or natural gas to be received in the future under such lease and/or contract to less than one-eighth of the gross production of oil and/or gas from the land described in such lease and/or contract; and declaring an emergency."

Read and referred to Committee on State Affairs.

By Senator Woodruff:

S. B. No. 204, A bill to be entitled "An Act to simplify the operations of the Executive Department of the State government by abolishing certain offices, boards, departments, commissions, and institutions; creating others; redistributing the powers, duties, and functions of the Executive Department among such offices, boards, commissions, and departments as are herein created or hereby retained; defining such powers, duties, and functions and coordinating them, fixing terms of office, methods of appointment and election, duties, and qualifications of offices and positions and providing the methods of fixing the compensation thereof; repealing all laws and parts of laws in conflict herewith; and for other purposes."

Read and referred to Committee on State Institutions and Departments.

By Senator Neal, by request:

S. B. No. 205, A bill to be entitled "An Act authorizing an action at law or suit in equity by the wife against the husband, or the husband against the wife, and regulating the same as though such cause of action existed between persons not so related; repealing all laws and parts of laws in conflict, and declaring an emergency."

Read and referred to Committee on Civil Jurisprudence.

By Senator Neal, by request:

S. B. No. 206, A bill to be entitled "An Act authorizing a minor to sue its father and a wife to sue her husband for necessities; defining necessities; regulating such suits; dispensing with security or bond by the plaintiff in such action or suit or the appeal thereof; fixing venue; repealing all laws and parts of laws in conflict, and declaring an emergency."

Read and referred to Committee on Civil Jurisprudence.

By Senator Neal, by request:

S. B. No. 207, A bill to be entitled "An Act empowering the court, at its discretion, to grant a continuance in any foreclosure suit on proceedings involving the possession of the homestead; regulating the application for such continuance; limiting the time thereof; repealing all laws and parts of laws in conflict; and declaring an emergency."

Read and referred to Committee on Civil Jurisprudence.

Senators Excused.

The following Senators were excused for the day:

Senator Blackert, illness, on motion of Senator Hornsby.

Senator DeBerry, illness, on motion of Senator Poage.

Senate Simple Resolution No. 41.

The Chair laid before the Senate:

S. S. R. No. 41, Providing for additional stenographers for the Senators from the 11th, 16th and 28th Senatorial Districts.

The resolution was read.

Senator Poage raised the point of order that the committee report on the resolution, which was received today, must lie on the table one day before the resolution could be considered.

The Chair, Lieutenant Governor Edgar E. Witt, sustained the point of order.

Senator Rawlings moved to suspend the rule requiring committee reports to lie over one day. The motion was lost by the following vote:

Yeas—17.

Beck.	Redditt.
Cousins.	Regan.
Duggan.	Russek.
Greer.	Sanderford.
Hopkins.	Small.
Pace.	Stone.
Patton.	Woodul.
Purl.	Woodward.
Rawlings.	

Nays—11.

Collie.	Martin.
Fellbaum.	Moore.
Holbrook.	Murphy.
Hornsby.	Neal.

Oneal.
Poage.

Woodruff.

Absent—Excused.

Blackert.

(Pair Recorded.)

Senator Parr (present) who would vote yea, with Senator DeBerry (absent) who would vote nay.

(Two-thirds vote required.)

The following amendments were sent up to be filed with the resolution and considered when the resolution was brought up again:

Amend the resolution by adding the 25th Senatorial District.

WOODWARD.

Amend resolution including each district, whose Senator needs more assistance to be determined by said Senator.

COUSINS.

Amend pending resolution by adding thereto 12th and 19th Senatorial Districts allowing additional secretary.

HOPKINS,
MARTIN.

Senate Simple Resolution No. 42.

Senator Sanderford sent up the following resolution:

Whereas, Mrs. Hugh Harris, formerly of Temple, Texas, now of Austin, Texas, has for the past number of sessions been employed in the Senate, and has capably and diligently discharged the duties to which she was assigned; and

Whereas, She is still capable of rendering a valuable service to this Legislature; and

Whereas, She is the wife of the late Senator Hugh Harris, and is now in dire need of employment; therefore be it

Resolved, That the Senate permit the Lieutenant Governor to place Mrs. Harris in the employ of this Legislature.

SANDERFORD,	COUSINS,
BLACKERT,	PARR,
MARTIN,	DUGGAN,
NEAL,	SMALL,
BECK,	WOODWARD,
REDDITT,	REGAN,
PACE,	RAWLINGS,
MOORE,	STONE,
PATTON,	WOODUL,
COLLIE,	HOPKINS,
RUSSEK,	

The resolution was read.

Senator Sanderford moved to suspend the rule requiring resolutions to be referred to a committee and to consider the resolution without referring it. The motion was lost by the following vote:

Yeas—18.

Beck.	Rawlings.
Cousins.	Redditt.
Duggan.	Regan.
Greer.	Russek.
Hopkins.	Sanderford.
Martin.	Small.
Pace.	Stone.
Parr.	Woodul.
Patton.	Woodward.

Nays—10.

Collie.	Murphy.
Fellbaum.	Oneal.
Holbrook.	Poage.
Hornsby.	Purl.
Moore.	Woodruff.

Absent—Excused.

Blackert.

(Pair Recorded.)

Senator Neal (present) who would vote yea, with Senator DeBerry (absent) who would vote nay.

(Two-thirds vote required.)

The resolution was referred to the Committee on Contingent Expense, together with the following amendment which was sent up to be filed with the resolution and considered when the resolution was brought up again:

Amend the resolution by adding the name of Mrs. W. L. Hall of Houston, Texas.

HOLBROOK.

Motion to Print.

Senator Purl asked unanimous consent to print in the Journal a communication from certain insurance companies relative to not foreclosing liens on homesteads.

Objection was heard.

Senator Purl moved to print the communication. The motion was lost.

Senate Simple Resolution No. 43.

Senator Duggan sent up the following resolution:

Be it resolved by the Senate of Texas, That a committee of three Senators be appointed to arrange for having photographs made of the Governor, Lieutenant Governor, and Senators of the Forty-third Legislature and hung in the Senate Chamber.

DUGGAN,
RAWLINGS,
GREER.

The resolution was read.

Senator Purl raised the point of order that the resolution must be referred to a committee.

The Chair, Lieutenant Governor Edgar E. Witt, sustained the point of order.

The resolution was referred to the Committee on Contingent Expense.

Point of Order Concerning Governor's Nominations.

Senator Woodward raised the point of order that Mr. Frank L. Denison, heretofore appointed by the Governor on February 1, to be a member of the State Highway Commission, having been rejected by the Senate on February 8th and more than two days having elapsed since the final action in refusing to confirm said appointment, the Governor is without power to re-submit his name to the Senate for further action on the subsequent appointment and that the Committee on Governor's Nominations, nor the Senate, would have jurisdiction to consider the appointment and would be without power to confirm him at this time. No member, within the time allowed, having made any motion to reconsider the vote by which Mr. Denison failed of confirmation, no such motion can now be made and the Governor is without power to abrogate the rule of the Senate which fixes the time for reconsideration by sending up the name of the same person after he was once rejected and the rejection not reconsidered, or set aside.

Senator Woodruff sent up the following written motion:

Mr. President: I move that the point of order raised by the Senator from Coleman be referred to the Attorney General of Texas for his opinion.

WOODRUFF.

The motion was read.

Senate Simple Resolution No. 44.

Senator Moore sent up the following resolution:

Whereas, The mid-winter meeting of the Texas Press Association is being held in the City of Austin on this date, and

Whereas, There is a large number of editors of the State in attendance upon this meeting, therefore be it

Resolved by the Senate, That these visitors be accorded the privileges of the floor of the Senate.

MOORE.

Read and adopted.

Senate Simple Resolution No. 45.

Senator Moore sent up the following resolution:

Whereas, Our honorable colleague, Senator Blackert, of Victoria, sustained a painful injury through a fall, and,

Whereas, It will require several days for Senator Blackert to recover and return to his seat in the Senate, therefore be it

Resolved, That we express to Senator Blackert our sincere regrets in his injury and absence and pray for his speedy recovery and return.

MOORE,	PATTON,
BECK,	POAGE,
COLLIE,	PURL,
COUSINS,	RAWLINGS,
DUGGAN,	REDDITT,
FELLBAUM,	REGAN,
GREER,	RUSSEK,
HOLBROOK,	SANDERFORD,
HOPKINS,	SMALL,
HORNSBY,	STONE,
MARTIN,	WOODRUFF,
MURPHY,	WOODUL,
ONEAL	WOODWARD,
NEAL	DeBERRY,
PACE,	WITT.
PARR,	

Read and adopted.

Message From the House.

Hall of the House of Representatives,
Austin, Texas, Feb. 10, 1933.

Hon. Edgar E. Witt, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has refused to pass by a vote of 57 yeas and 69 nays:

H. B. No. 33, A bill to be entitled "An Act to amend Section 3, of Chapter 88, of the Acts of the Second

Called Session of the Forty-first Legislature of the State of Texas, so as to require applicants for registration of vehicles subject to registration under said chapter to exhibit to the tax collector, receipts for ad valorem State and county and city taxes, where such applicant resides in an incorporated city, which became due on such vehicle during the preceding year, or in lieu thereof satisfy such collector by affidavit that such vehicle was not subject to taxation during the preceding year, making it unlawful for any tax collector to issue registration receipts or license plates, or for any applicant to receive the same contrary to the provisions of this Act, and declaring an emergency."

H. B. No. 242, A bill to be entitled "An Act to repeal Chapter 5, Acts of the Thirty-sixth Legislature, Third Called Session, and Chapter 34, Section 1 and Subsection 15, Acts of the Thirty-seventh Legislature, Regular Session."

Respectfully submitted,
LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

Recess.

On motion of Senator Greer, the Senate, at 12:10 o'clock p. m., recessed until 2:30 o'clock p. m.

After Recess.

The Senate met at 2:30 o'clock p. m., and was called to order by President Pro Tem. Walter Woodul.

Motion Relative to Governor's Nominations.

The question recurred upon the pending motion to refer the point of order raised by Senator Woodward relative to the Governor's re-submitting the nomination of Mr. F. L. Denison for confirmation.

The motion was lost by the following vote:

Yeas—13.

Beck.	Purl.
Duggan.	Rawlings.
Fellbaum.	Regan.
Holbrook.	Small.
Moore.	Woodruff.
Murphy.	Woodward.
Oneal.	

Nays—14.

Collie.	Hopkins.
Greer.	Hornsby.

Martin.	Poage.
Neal.	Redditt.
Pace.	Russek.
Parr.	Sanderford.
Patton.	Stone.

Absent—Excused.

Blackert.	DeBerry.
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(Pair Recorded.)

Senator Woodul (present) who would vote yea, with Senator Cousins (absent) who would vote nay.

Senate Bill No. 153.

The Chair laid before the Senate by unanimous consent the following bill:

By Senators Regan and Martin:

S. B. No. 153, A bill to be entitled "An Act to amend Article 2547, Revised Civil Statutes of Texas, as amended by the Forty-first Legislature, at the Regular Session; and declaring an emergency."

The committee amendment was adopted.

The bill was read second time and passed to engrossment.

On motion of Senators Regan and Martin the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 153 was put on its third reading and final passage by the following vote:

Yeas—28.

Beck.	Parr.
Collie.	Patton.
Duggan.	Poage.
Fellbaum.	Purl.
Greer.	Rawlings.
Holbrook.	Redditt.
Hopkins.	Regan.
Hornsby.	Russek.
Martin.	Sanderford.
Moore.	Small.
Murphy.	Stone.
Neal.	Woodruff.
Oneal.	Woodul.
Pace.	Woodward.

Absent.

Cousins.

Absent—Excused.

Blackert.	DeBerry.
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Read third time and finally passed by the following vote:

Yeas—28.

Beck.	Parr.
Collie.	Patton.
Duggan.	Poage.
Fellbaum.	Purl.
Greer.	Rawlings.
Holbrook.	Redditt.
Hopkins.	Regan.
Hornsby.	Russek.
Martin.	Sanderford.
Moore.	Small.
Murphy.	Stone.
Neal.	Woodruff.
Oneal.	Woodul.
Pace.	Woodward.

Absent—Excused.

Blackert.	DeBerry.
Cousins.	

Adjournment.

On motion of Senator Woodward, the Senate, at 5:40 o'clock p. m., adjourned until 10 o'clock Monday morning.

APPENDIX.

Committee Reports.

Committee Room,
Austin, Texas, Feb. 9, 1933.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred H. B. No. 168,

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

HOLBROOK, Chairman.

Committee Room,
Austin, Texas, Feb. 9, 1933.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Mining, Irrigation and Drainage, to whom was referred S. B. No. 13,

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

COUSINS, Chairman.

Committee Room,
Austin, Texas, Feb. 9, 1933.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Contingent Expense, to whom was referred S. R. No. 41,

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

WOODRUFF, Chairman.

TWENTY-FIRST DAY.

Senate Chamber,
Austin, Texas,
February 13, 1933.

The Senate met at 10 o'clock a. m., pursuant to adjournment, and was called to order by Lieutenant Governor Edgar E. Witt.

The roll was called, a quorum being present, the following Senators answering to their names:

Beck.	Parr.
Collie.	Patton.
DeBerry.	Poage.
Duggan.	Purl.
Fellbaum.	Rawlings.
Greer.	Redditt.
Holbrook.	Regan.
Hopkins.	Russek.
Hornsby.	Sanderford.
Martin.	Small.
Moore.	Stone.
Murphy.	Woodruff.
Neal.	Woodul.
Oneal.	Woodward.
Pace.	

Absent—Excused.

Blackert.	Cousins.
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Prayer by the Chaplain.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator Woodward.

Committee Reports.

(See Appendix.)

Bills and Resolutions.

By Senators Woodward and Oneal:
S. J. R. No. 12, Proposing to amend Sections 1, 2, 6 and 7 of Article V, of the Constitution of Texas, the same being the article creating the Judicial Department of the State, so as to make Sections 1, 2, 6 and 7, of Article V, read as follows; etc.

Read and referred to Committee on Constitutional Amendments.

By Senator Neal:

S. B. No. 208, A bill to be entitled "An Act validating all cities and towns in Texas of 5,000 inhabitants